

**MINUTES TO
BE APPROVED**

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, November 19, 2014

6:00 p.m.

**Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chad Nichols, Ben Southworth, and Justin D. Stoker. Council Member Chris M. McConnehey participated electronically.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Reed Scharman, Deputy Fire Chief; Greg Mikolash, City Planner, and Robert Thorup, Deputy City Attorney.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 5:00 p.m.

II. CLOSED SESSION

**STRATEGY SESSIONS TO DISCUSS THE PURCHASE, EXCHANGE, OR
LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER
RIGHT OR WATER SHARE**

**STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY
IMMINENT LITIGATION**

COUNCIL: Mayor Rolfe and Council Members Jeff Haaga, Judy Hansen, Chad Nichols, and Justin D. Stoker. Councilmember Ben Southworth arrived at 5:10 p.m. Councilmember Chris McConnehey was excused.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney, and Stuart Williams, Deputy City Attorney.

MOTION: Councilmember Hansen moved to go into a Closed Session for a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water share; and a Strategy Session to discuss pending or reasonably imminent litigation. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Absent
Councilmember Nichols	Yes
Councilmember Southworth	Absent
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 5-0.

The Council convened into a Closed Session at 5:02 p.m.

Councilmember Southworth arrived at 5:10 p.m.

The Council recessed the Closed Session at 6:02 p.m. and reconvened the meeting at 6:05 p.m.

Ms. Briggs, City Clerk, explained that the City of West Jordan City Council would hold its regular City Council meeting on Wednesday, November 19, 2014 in the City Council chambers, 8000 South Redwood Road, West Jordan, Utah. Notice was also given that the regular meeting would be held electronically. Audio equipment would be used to ensure the comments/votes of each Council member participating electronically would be audible to those attending the meeting. Councilmember McConnehey was out of town, but would attend and vote via telephone.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brad from Troop #490

IV. COMMUNICATIONS CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie-

- Invited the Council to attend the employee Christmas luncheon on December 3rd.
- Explained that the laws involving the employment of interns were changing. He expressed the desire to have a consistent wage apply to all interns in the future -- \$10.50/hour—in lieu of a stipend. There was no objection from the Council although it was determined that students from Salt Lake Community College should be given the opportunity to fill any internships as there was a SLCC campus within the City.
- There were a few employees that, due to work demands, had not been able to use their accrued leave time this year. Mr. Haderlie explained that if the Council had no objection, he would prepare a plan wherein the City would buy out the excess leave so that the employees would not lose the value of the time. In creating the

plan they would stay within the budget, the payout would be approved administratively, and the plan would be used very selectively. There was no objection by the Council.

STAFF COMMENTS/REPORTS-

David Oka-

- Had recently had trouble locating new tenants for light industrial space within the City. He indicated he was now in search of a developer to assist him in locating some land on which to develop an industrial park.
- Was making plans to recruit a tenant for the old RC Willey building off of 9000 South.

Tom Burdett-

- Several hundred copies of a brochure had been printed which were designed to provide homeowners with information about protecting their property from flooding.
- Roderick Enterprises had obtained a building permit to construct approximately 80,000 sq. feet of space at the corner of Dannon Way and Prosperity.
- Staff met with Project Wineland last week, and answered all their inquiries, and would continue to do so.

Wendell Rigby-

- Regarding the anti-texting program discussed with the Council the previous year, he anticipated requesting an \$8,000 budget amendment later in the year for that purpose. The Council expressed no opposition.
- RFP for Storm Water projects would be going out shortly with proposals due on December 16th.

Doug Diamond-

- X-ray machine in the Justice Center was broken. Repair and future maintenance costs were such that it made better sense to purchase a new machine. Chief Diamond indicated there was a very good chance that between the Police and Court current budgets, there were sufficient funds to purchase a new machine at approximately \$28,000-\$29,000. The Council expressed no opposition to moving forward in that regard.
- The City's compensation committee was moving forward and was primarily working on establishing the criteria for a career ladder. He indicated that the committee was also working on the compression issue of wages that were frozen between 2008-2011, and a tuition reimbursement program. He hoped to present further information to the Council before the end of the calendar year as well as at the next Strategic Planning meeting.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Southworth-

- Praised the way in which Public Works quickly responded to a suggestion that came from the citizenry regarding the intersection of New Bingham Hwy and Airport Road.
- Requested information at some point soon regarding the plans for traffic control devices on 5600 West at both 7000 South and 8200 South so that it could be passed along to City residents who had inquired.
- Expressed his total support for the significant changes that had recently begun taking place within the Chamber of Commerce. He indicated his belief that it was appropriate for the Council to pass a Resolution of support for the strategic direction The Chamber was taking.

Mayor Rolfe-

- Explained that the Utah Transportation Coalition had requested \$3,000 in order to expand funding for local B & C road funds. He asked the Council if there was significant interest to place the item on the agenda for the December 3rd City Council meeting.
- The Planning Commission had two vacancies. Mayor Rolfe asked for input regarding 1) how many members of Council should participate in the interview process and 2) on what date those interviews would take place. It was determined that the Mayor and Council (excluding Councilmember Nichols) would conduct the interviews beginning at 6:00 p.m. on Wednesday, December 10, 2014.
- Reported that he attended a Veteran's Day program at Falcon Ridge Elementary which was truly "awesome."

V. CITIZEN COMMENTS

Cary Cahoon, West Jordan resident, expressed appreciation to the Mayor and Code Enforcement Supervisor Brock Hudson for looking into the problems at the Mink ranch. He submitted a petition of signatures from area residents and small businesses that were unable to use their backyards, or sit outside due to the stench. They wanted something done.

Joe Colosimo expressed his appreciation for the City, the staff and the citizens as well as the way in which they provided input regarding his Garden Station project. He also expressed his support for the Preliminary Development Plan as presented in the agenda packet.

Alexandra Eframo, West Jordan resident, asked that the Council consider rotating the responsibility of reading a particular phrase before each meeting. She also expressed her strong opposition to Ordinance #14-11.

Kelvin Green, West Jordan resident, spoke in favor of adopting Ordinance #14-11 regarding Gardner Station project. He also asked that the Council approve the Community Development Area (CDA) so that infrastructure could be improved. He pointed out that this particular project revealed flaws in City ordinances, and he intended to address those with various Council members in the future.

Joe Long, owner of Gardner Village, spoke in favor of approving Ordinance #14-11 and submitted a development agreement to Deputy City Attorney Robert Thorup, for Council consideration in the future.

Michelle Foote, West Jordan resident, thanked the Colosimo and Long families for working with the area residents on the Gardner Station issue. She now believed it was a beautiful project and looked forward to seeing it unfold.

Ben Watson, West Jordan resident, stated that the Gardner Station as it was currently planned was a good project. He also indicated that he looked forward to the passage of the CDA. He expressed hope that the Council would address the process by which City staff worked with developers in the future. He reminded all present that the final plan for the development was proof that it was possible for *all* stakeholders within the community to work together in a reasonable manner.

There was no one else who wished to speak.

VI. CONSENT ITEMS

- 6.a Approve the minutes of October 22, 2014 as presented [Melanie Briggs]**
- 6.b Approve Resolution 14-204, authorizing the Mayor to execute a contract with River Restoration.Org for 30% design of the "Big Bend" Habitat Area Restoration, in an amount not to exceed \$188,224.64 [Tom Burdett]**
- 6.c Approve Resolution 14-205, authorizing the Mayor to execute an Underground Right-of-Way Easement to Rocky Mountain Power for its required utility relocation as part of the City's 5600 West, 6200 South – 7000 South Road Widening Project [Wendell Rigby]**
- 6.d Approve Resolution 14-206, authorizing the Mayor to execute a General Service Contract with Rocky Mountain Power to provide electric service for the Ron Wood Maintenance Yard, in an amount not to exceed \$10,819.89 [Wendell Rigby]**

- 6.e** Approve Resolution 14-207, authorizing the temporary closure of 9000 South from 4800 to 5300 West from May 1 to August 30, 2015 [Wendell Rigby]
- 6.f** Approve Resolution 14-208, authorizing the Mayor to execute a Right of Way Contract with Kick Creek, LLC (Peterson Development) for the acquisition of property required for the 7800 South road widening addition to the City's 5600 West, 7000 South – 7800 South Road Project [Wendell Rigby]
- 6.g** Approve Resolution 14-209, authorizing the Mayor to execute a Right of Way Contract with Kick Creek, LLC, Doves Landing, L.C., and Canyon Ranches, L.C. (Peterson Development), for the acquisition of property required for the 7800 South road widening addition to the City's 5600 West, 7000 South – 7800 South Road Project [Wendell Rigby]
- 6.h** Approve Resolution 14-210, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Hansen Allen & Luce Inc. for additional engineering services for the 2014 Water Master Plan Update to include a SCADA/Telemetry Master Plan, in an amount not to exceed \$29,800.00 [Wendell Rigby]
- 6.i** Approve Resolution 14-211, authorizing the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Bowen Collins & Associates for additional construction period services for the Well No. 3 Pump House Project, in an amount not to exceed \$9,600.00 [Wendell Rigby]
- 6.j** Approve Resolution 14-212, authorizing staff to proceed with increasing the Purchase Order with Asphalt Materials, Inc. for Public Works in-house overlay project, in an amount not to exceed \$260,000.00 [Wendell Rigby]
- 6.k** Approve Resolution 14-213, authorizing the Mayor to execute a Contract with Parsons Brinkerhoff to provide professional design services for the 7800 South widening project located between 4000 West and Airport Road in an amount not-to-exceed \$622,253.76 [Wendell Rigby]
- 6.l** Approve Resolution 14-214, authorizing the Mayor to execute Amendment No. 1 with MWH, Inc. to provide additional construction management services for Grizzly 4.0 MG Reservoir project in an amount not-to-exceed \$39,195.00 [Wendell Rigby]

MOTION: Councilmember Southworth moved to approve Consent Items 6.a through 6.l. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes

Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

VII. PUBLIC HEARING

CONTINUED FROM OCTOBER 22, 2014 – RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL RESOLUTION 14-215 REGARDING THE FEMA MITIGATION PLAN UPDATE [MARC MCELREATH]

Chief McElreath explained that the Salt Lake County Multi-hazard Mitigation Plan would expire in November of 2014. West Jordan previously participated with the Wasatch Front Regional Council in mitigation plan development. The result was a very generic plan that was copied throughout the state.

For this update, Salt Lake County chose to obtain a grant to develop the plan as a county. They hired a contract employee to assist in the update. Unfortunately, the FEMA representatives felt the work did not conform to the plan requirements. The individual cities were then tasked with providing their own annex to the plan.

The plan addressed only the natural hazards that could impact West Jordan and Salt Lake County. The logic behind this kind of plan flowed from the fact that one could not prevent all natural disasters. Therefore, rather than prevent the disaster, one needed to mitigate its effects. The result of mitigation was a reduction in suffering and a reduction in the financial impact required to overcome the disaster.

Moreover, it was also important because a hazard mitigation plan must be in place in order to qualify for federal disaster assistance should an event occur where the city needed financial assistance under the Stafford Act or other federal disaster programs.

The focus of public discussion should be page Q64 for the list of strategies and pages Q65 thru Q78 for more detailed information.

There was no immediate dollar cost to the adoption of the plan strategies.

Staff recommended a positive recommendation for support of West Jordan's approach to the overall multi-hazard mitigation plan.

Councilmember Nichols inquired as to the level of support FEMA provided the City as it related to the plan. Deputy Chief Scharman indicated that the plan had the support of FEMA as well as the State of Utah.

Mayor Rolfe opened the public hearing. There was no one who wished to speak. Mayor Rolfe closed the public hearing.

MOTION: Councilmember Nichols moved to adopt Resolution 14-215 to support the strategies put forward in the West Jordan section of the Salt Lake County Multi-hazard Mitigation Plan. The motion was seconded by Councilmember Stoker.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL
ORDINANCE 14-35, AMENDING THE 2009 WEST JORDAN
MUNICIPAL CODE TITLE 4, CHAPTER 2, ADDING A NEW ARTICLE
U ENTITLED 'RESIDENTIAL TREATMENT FACILITIES' AND TITLE
13, CHAPTER 8, DELETING 'SPECIAL RESIDENTIAL FACILITIES'
AND OTHER MISCELLANEOUS CHANGES TO TITLE 13, CITY-WIDE
APPLICABILITY, CITY OF WEST JORDAN, APPLICANT [TOM
BURDETT]**

Tom Burdett explained that in 2012, the City reexamined its zoning code provisions regarding persons with disabilities and residential facilities meeting the needs of these people. At that time, the City's code provisions were based on Utah Code provisions that had been overtaken by developing laws affecting persons with disabilities, most particularly the Utah Fair Housing Act and the federal Fair Housing Act. This re-examination resulted in several changes to the 2009 City Code, including definitions of several types of residential facilities for the disabled and elderly, and the adoption of Section 13-8-20 which instituted spacing and notice requirements designed to spread the burdens of these facilities across a broader scope of the City. At the time of City Council adoption of the 2012 changes, the City Council increased the spacing and notice provisions of Section 13-8-20 beyond that recommended by the Staff and the Planning Commission.

In late 2013, neighborhood complaints concerning two small group homes that were located next to each other on the same residential street brought the City into contact with Chrysalis, a large statewide provider of residential facilities for the disabled under license and contract with the State. In meetings with City staff, although Chrysalis agreed that it was a mistake to locate two small group homes on the same street, and indeed next door to each other, Chrysalis indicated a belief that the City's notice and spacing requirements,

and indeed the City's requirement for a conditional use permit and its attendant public hearing, violated the state and federal Fair Housing Acts and the Equal Protection clause of the United States Constitution. The City proceeded to enforce its Code requirements against Chrysalis, and a hearing was held before an administrative law judge adjunct to the City's Code Enforcement program. The administrative law judge upheld the City's Notice of Violation and its fines against Chrysalis. Chrysalis met again with the City and declined to accept any of the then current code requirements.

The City filed a declaratory action against Chrysalis in Third District Court seeking judicial review of the City's Code provisions. Unexpectedly, the Disability Law Center filed a motion to intervene in the City's lawsuit, and the City was contacted by the Attorney General's Office, both of which efforts were critical of the City's Code provisions. This outside focus on the City, and the concomitant risk of adverse publicity, spurred City staff to look again at the applicable laws and rules, including a new look at the Utah Fair Housing Act. Although many other cities have spacing and hearing requirements as strict or more so than those of the City, City staff concluded that the City might lose its case on the issues of spacing and conditional use permit processing. At a meeting with the City Council, the decision was reached to amend the zoning provisions in the 2009 City Code to remove the spacing requirements as to all special residential facilities, and to eliminate the notice and conditional use permit provisions applicable to small group homes.

The proposed amendments did three things. **First**, the special provisions dealing with spacing and notice were repealed. **Second**, the definitions of the various special residential facilities were adjusted to be more consistent and to generally reduce the size of small special residential facilities. The small facilities presently were sized to provide greater opportunities to small group homes than would be allowed by the City's base definition of a single family (five unrelated persons). Given that the City's spacing and notice provisions were being removed, there was no longer any benefit to a definition of a small special residential facility greater than the base definition. **Third**, the business license provisions in the City Code were amended to include licensure of special residential facilities.

DISCUSSION AND ANALYSIS: The amendments as proposed were contained in the Ordinance attached to this Staff Report. The proposed amendments were self-explanatory and were not repeated here. The foregoing background would suffice as discussion and analysis.

FINDINGS OF FACT: Section 13-7D-7(B) provide findings for the amendment of the Zoning Title.

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.*

Discussion: One of the goals of the General Plan was to "promote the public interest, the interest of the community at large, rather than the

interests of individuals or special interest groups within the community". Another goal was to "inject long range considerations into the determination of short range actions". The proposed amendments were clearly intended to meet both of these goals by eliminating risks to the City and its taxpayers, and refocusing the efforts of the City on protecting its residents' health, safety and welfare through business licensing rather than zoning.

Finding: The proposed amendments conformed to the general plan and were consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to these titles.*

Discussion: As noted earlier in this report, the requirements of state and federal Fair Housing Acts and the Equal Protection clause of the United States Constitution shined a light on current City Code provisions that were unwelcome and to be avoided. Bringing the zoning provisions of the City Code into line with these laws was a public good to be supported as part of good government.

Finding: The proposed amendments were appropriate given the context and there was sufficient justification for a modification of these titles.

Criteria 3: *The proposed amendment would not create a conflict with any other section or part of this title or the general plan.*

Discussion: These amendments repealed problematic parts of the City Code and implemented other new parts, all in a well-coordinated effort to comply with applicable law and reduce the City's exposure to adverse publicity and legal rulings. Please refer to the earlier discussion of consonance with the General Plan.

Finding: The proposed amendments would not create a conflict with any other section or part of this title or of the general plan.

Criteria 4: *The proposed amendment did not relieve a particular hardship, nor did it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: These amendments were part of a City-wide effort to deal with the requirements of the state and federal Fair Housing Acts.

Finding: The proposed amendments did not relieve a particular hardship, nor did they confer any special privileges to a single property owner or cause, and the proposed amendments made necessary modifications to these titles in the light of correction and expansion of public policy.

CONCLUSION: The proposed amendments met the criteria for Code amendments set forth above. They made valuable and important improvements and clarifications to Title 4 and Title 13 of the 2009 City Code.

If the moving Councilmember disagrees with the staff's findings and conclusions and finds substantial evidence supporting a different result, the following motion may be given:

Based on the evidence in this staff report, and upon the evidence and explanations received today, I move that the City Council deny the proposed Title 4 and Title 13 text amendments as discussed in this report. Specifically, I disagree with the Staff and find that the following required criterion/criteria for a code amendment has/have not been met:

- Criteria 1: The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.
- Criteria 2: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to these titles.
- Criteria 3: The proposed amendment will not create a conflict with any other section or part of this title or the general plan.
- Criteria 4: The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

Which criterion/criteria was/was not met? Why?

Note: All applicable criteria must be met to support a positive action by the City Council.

Mayor Rolfe opened the public hearing. There was no one who wished to speak. Mayor Rolfe closed the public hearing.

Councilmember Nichols inquired as to the net effect of the code changes, and it was determined there was no way to predict the effect. Mr. Robinson pointed out that the City

was taking this action in order to avoid an adverse action from the Attorney General's office.

Councilmember Haaga expressed concern about potential discrimination against those with mental disabilities. Mr. Thorup responded that conversely, this Ordinance was designed to eliminate barriers to those with disabilities, which were created previously in City Code.

At the request of Councilmember Southworth, Mr. Thorup clarified how the issue came about—that the City filed a lawsuit and asked the Courts to declare that City Code was in compliance with current law. The Attorney General's office and the Disability Law Center responded and convinced staff to reexamine City Code.

MOTION: Councilmember Stoker moved to adopt and approve Ordinance 14-35, including amendments to Titles 4 and 13 in the 2009 City Code, all as set forth in the form of the Ordinance attached to the Staff Report. The motion was seconded by Councilmember Hansen.

Councilmember Haaga stated that while he approved of most of the Ordinance as written, he was not comfortable with the idea of limiting people with disabilities and where they may choose to live.

Councilmember Southworth spoke in opposition to the motion, stating his concern that by passing the Ordinance, West Jordan would become a magnet for facilities such as those mentioned in the staff report. He did not wish for the City to have a code less stringent than those found in other area cities.

Councilmember Stoker clarified his belief that the proposed Ordinance removed limitations on individuals with disabilities, rather than placing *more* restrictions upon them.

Jeff Robinson concurred with Councilmember Stoker's statement that restrictions that had been in the Code thus far would be removed in the proposed Ordinance.

Councilmember Haaga renewed his belief that the proposed changes would limit the supervision of certain individuals with disabilities within the City.

Councilmember McConnehey spoke against the motion, indicating that he would prefer to have official word from the Court before changing City Code in this manner.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	Yes

Councilmember McConnehey	No
Councilmember Nichols	No
Councilmember Southworth	No
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion failed 3-4

MOTION: Councilmember Nichols moved to postpone further discussion on this matter to a date uncertain (possibly in January or February) and to address the verbiage as outlined in the staff report. The motion was seconded by Councilmember Haaga.

Councilmember Stoker indicated his belief that the proposed Ordinance would bring the City into legal compliance and therefore was in support of moving forward on the issue.

Mayor Rolfe was in agreement with Councilmember Stoker.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	No
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	No
Mayor Rolfe	No

The motion passed 4-3

VIII. BUSINESS ITEMS

DISCUSSION AND DIRECTION FOR STAFF REGARDING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR THE GENERAL PLAN AND THE OFFICIAL ZONING MAP TO DELETE APPROXIMATELY 10.21 ACRES OF LAND, LOCATED AT 7653 – 7655 SOUTH 1300 WEST FROM THE TSOD DESIGNATION BOUNDARIES [TOM BURDETT]

Tom Burdett explained that as part of the discussions with the neighborhood's concerns with the Gardner Station proposed development, the staff received requests from several City Council members to prepare an amendment to the Future Land Use Map of the General Plan and the official Zoning Map regarding the Transit Station Overlay District (TSOD). The suggestion had been made to delete approximately 10.21 acres of land, located north of the Gardner Village site at 7653-7655 South 1300 West from the TSOD boundary and present said amendments to the Planning Commission for

recommendations. This action request was to determine if there was a majority of City Council members who wished to initiate the amendment.

Staff time to process the amendment was estimated at \$3200 based on the current fee schedule.

Staff recommended that the Council direct staff to prepare an amendment to the Future Land Use Map of the General Plan and official Zoning Map to delete approximately 10.21 acres of land, located at 7653-7655 South 1300 West from the TSOD boundary. It was also part of the direction to present said amendments to the Planning Commission for recommendations.

MOTION: Councilmember Southworth moved to direct staff to prepare an amendment to the Future Land Use Map of the General Plan and the official Zoning Map to delete approximately 10.21 acres of land, located north of the Gardner Village site at 7653-7655 South 1300 West from the TSOD boundary and present said amendment to the Planning Commission for recommendations. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE 14-11, RATIFICATION OF THE PRELIMINARY DEVELOPMENT PLAN FOR THE STATION AT GARDNER MILL AND ESTABLISH MULTI-FAMILY RESIDENTIAL DENSITY OF 20.29 UNITS PER ACRE; FOR PROPERTY LOCATED AT APPROXIMATELY 7659 SOUTH 1300 WEST; P-C (TSOD) ZONE; COLOSIMO BROTHERS, APPLICANT [TOM BURDETT]

Tom Burdett explained that the applicant for the Gardner Station Preliminary Development Plan had submitted and agreed to an amended Preliminary Development Plan, making significant changes in response to neighborhood concerns. The changes were encompassed in the conditions of approval below.

There was no anticipated fiscal impact.

Staff recommended that the City Council ratify the Planning Commission's approval of the Gardner Station Preliminary Development Plan residential density of 19.2 units per acre for a total of 224 multi-family residential dwelling units subject to five conditions of approval.

MOTION: Councilmember Nichols moved that the City Council adopt Ordinance 14-11, ratifying the Planning Commission's approval of a residential density of 19.2 units per acre for a total of 224 multi-family residential dwelling units for the Gardner Station project with the following five conditions of approval:

1. Maximum building height of all structures is fifty-eight (58) feet.
2. Developer installation of a center left-turn lane on 1300 West at the north entrance to the site.
3. Developer installation of right-turn deceleration lane and right-turn acceleration lane on 1300 West at the north entrance to the site.
4. Developer installation of a four to six-foot wide sidewalk from 1300 West to Gardner Village along the north access of the site, including a pedestrian bridge over the North Jordan Canal, if necessary.
5. Execution of a development agreement between the City and Gardner Village LC prohibiting multi-family structures on the corner of 7800 South and 1300 West.

The motion was seconded by Councilmember Stoker.

Councilmember Southworth pointed out that citizens who engaged themselves in the public process were heard by Council and Staff. He expressed appreciation for the fact that despite very contentious initial discussions, various parties ultimately worked together to develop a greatly improved development plan.

Councilmember Hansen congratulated the citizens, the Colosimos and Mr. Long for working together and coming up with a much better plan that benefitted all.

Councilmember McConnehey expressed appreciation for the citizens that he spoke with throughout this process, particularly those he met with one-on-one. However, he indicated that he was still opposed to having an apartment complex on the property but understood that the majority of the prior Council voted to allow it. He appreciated the developer for addressing the concerns of many residents and Councilmembers. Although he indicated that the final plan was not perfect, it was something that all parties could accept.

A roll call vote was taken

Councilmember Haaga	No
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion passed 5-2

Councilmember Nichols expressed appreciation to all parties, but particularly to Councilmember Southworth who he felt singularly facilitated communication between all parties.

Councilmember Haaga then commended Mayor Rolfe for the leadership he exhibited since the beginning of the process.

DISCUSSION AND DIRECTION FOR STAFF REGARDING THE COUNCIL CHAMBERS AUDIO-VIDEO STREAMING SYSTEM [BRYCE HADERLIE]

Bryce Haderlie explained that at the direction of City Council, staff advertised a Request for Proposals and sent the RFP directly to 14 potential vendors of audio-visual equipment and services. The equipment would allow City Council meetings to be streamed live online and the archived video recordings would be accessible for at least 2 years by the public on the City website.

Staff understood that multiple vendors were capable of providing this type of equipment and ongoing service at various price levels. However, the City received only two proposals in response to the RFP:

1. **Century Link**: provided hosting, storage, indexing capability, live streaming, and recorded playback. They offered no equipment, but said their services were compatible with any equipment the City was to purchase separately.
 - a. Price: \$5,000 installation + \$421/mo + equipment.
2. **Swagit**: considered by many to be top of the line system, with similar capabilities as above, although this proposal included equipment at three different price levels:
 - a. Single camera \$17,440 + \$199/mo.
 - b. Three cameras \$33,222 + \$695/mo.
 - c. Four cameras \$60,950 + \$695/mo.

Based on staff research and this RFP, costs could range from \$17K - \$60K plus \$199-\$695/mo for hosting, streaming, and indexing services.

Staff would follow Council's direction. If additional proposals were desired, selecting a dollar amount or specific level of service would help vendors provide competitive proposals (number of cameras, fixed vs. movable camera views, indexing, etc.).

Councilmember Haaga left the meeting at 7:29 p.m.

Councilmember McConnehey inquired as to why so few companies responded to the RFP. Because it was sent to so many firms and so few ultimately responded, he wondered if perhaps there was something in the RFP itself that presented a problem.

Councilmember Haaga returned at 7:33 p.m.

Councilmember Stoker indicated that he too was uncomfortable with the number of responses received, and with the two prices that were quoted. With so little information available, he did not feel it was appropriate to move forward with either bid.

Mayor Rolfe concurred.

The Council agreed to direct staff to approach those vendors who did not submit proposals and inquire as to their reasoning. He also suggested the City investigate other technological options with similar functionality.

DISCUSSION AND POSSIBLE DIRECTION REGARDING RESOLUTION 14-216, AUTHORIZING THE MAYOR TO EXECUTE AN EQUIPMENT LEASE APPLICATION WITH BANK OF THE WEST FOR \$200,000.00, FOR A 48-MONTH LEASE; AND APPROVE A PURCHASE AGREEMENT WITH YIPTEL FOR \$197,620.00 FOR THE PURCHASE AND INSTALLATION OF A NEW PHONE SYSTEM [BRYCE HADERLIE]

Bryce Haderlie explained that during the 2014-15 budget process, IT proposed replacing the current outdated phone system, which had become increasingly difficult to maintain. The current phone system had components that were more than 14 years old and the main core system was over 9 years old. The current model of handsets that the City used was no longer available new—only refurbished units could be purchased.

Financing the phone system through the Bank of the West lease, the City would make an annual lease payment of \$51,502.21 for four years.

Staff recommended approving an Equipment Lease Application with Bank of the West for \$200,000.00 for a 48 month lease and approving a Purchase Agreement with YipTel for \$197,620.00 for the purchase and installation of a new phone system.

Mayor Rolfe expressed concern that the prices were less than half of what was proposed by other potential vendors. He also inquired as to whether or not the City facilitie(s) had

the wiring that was apparently required by the system in question. Mr. Haderlie indicated he would verify that with IT Manager, Michael Oliver.

Councilmembers Southworth and Haaga expressed similar concerns.

MOTION: Councilmember Nichols moved to adopt Resolution #14-216, authorizing the Mayor to execute an Equipment Lease Application with Bank of the West for \$200,000.00 for a 48 month lease and approve a Purchase Agreement with YipTel for \$197,620.00 for the purchase and installation of a new phone system *with the condition* that staff properly review the documents and determine that there are no hidden change orders or additional costs. The motion was seconded by Councilmember Stoker.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0

**DISCUSSION AND DIRECTION FOR STAFF REGARDING THE
FACILITY USE POLICY AND POSSIBLE CODE CHANGES FOR
FACILITY AND PARKS USAGE [BRYCE HADERLIE]**

This item was not discussed but was continued until December 17, 2014.

IX. REMARKS

There were no more additional remarks.

X. ADJOURN

MOTION: Councilmember McConnehey moved to adjourn. The motion was seconded by Councilmember Southworth and passed 6-0 in favor (Councilmember Haaga was absent).

The meeting adjourned at 7:40 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 17 day of December, 2014

DRAFT

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, December 3, 2014

6:00 p.m.

**Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Kim V. Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

STAFF: Bryce Haderlie, Interim City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; David Oka, Economic Development Director; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Wendell Rigby, Public Works Director; Marc McElreath, Fire Chief; Doug Diamond, Police Chief; Greg Mikolash, City Planner; Nannette Larsen, Associate Planner; David Clemence, Real Property Agent, and Ben Roche, Fleet Manager.

I. CALL TO ORDER

Mayor Rolfe called the meeting to order at 5:02 p.m.

MOTION: Councilmember McConnehey moved to re-order the agenda with the following changes: Presentation immediately following the Consent items, and move Business item 9e after that. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

II. CLOSED SESSION

STRATEGY SESSIONS TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARE

**DISCUSSION OF THE CHARACTER PROFESSIONAL COMPETENCE,
OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL**

COUNCIL: Mayor Rolfe and Council Members Jeff Haaga, Judy Hansen, Chris M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

STAFF: Bryce Haderlie, Interim City Manager, and Jeff Robinson, City Attorney.

MOTION: Councilmember Hansen moved to go into a Closed Session for a Strategy Session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water share; and discussion of the character professional competence, or physical or mental health of an individual. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

The Council convened into a Closed Session at 5:05 p.m.

The Council recessed the Closed Session at 6:12 p.m. and reconvened the meeting at 6:15 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brian Im, Troop 1310.

V. COMMUNICATIONS

INTERIM CITY MANAGER COMMENTS/REPORTS

Bryce Haderlie –

- Recognized the youth in the City for being prepared to offer the pledge of allegiance when called upon.
- Possible Council questions - regarding City efforts regarding possible prison relocation

STAFF COMMENTS/REPORTS

Marc McElreath –

- Updated the Council on the progress of the new Fire Station/Police Substation

Doug Diamond –

- Police Badge Pinning Ceremony, Justice Center, January 7, 2015 at 4:30 p.m.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Hansen –

- Congratulated the West Jordan Police for their assistance with a domestic situation.

Councilmember Haaga –

- Reported that Governor Herbert said Utah was the second best economy in the United States next to North Dakota

Councilmember Stoker –

- Attended the new Smith's Marketplace ribbon cutting ceremony with Councilmember Haaga. They were impressed with the new store and roadwork.

Mayor Rolfe –

- Site selection of new prison

VI. CITIZEN COMMENTS

Kris Kinkade, representing Bach Development, requested a bond exception for the private component of Creekside Development Agreement.

Alexandra Eframo, West Jordan resident, asked for a moment to reflect upon the goals of the business of the City Council meeting.

She also voiced her opposition to re-electing Councilmembers McConnehey, Hansen, Nichols, Southworth, and Stoker. She touched on the following:

- Private meetings with Colosimo
- Low voter turnout

A point of order was called.

Lynn Rasband, West Jordan resident, commented on Consent item 7.h regarding the development agreement. She complained about developers getting perks from the City for their subdivisions and then taxpayers (West Jordan citizens) were stuck with the bill to maintain the amenities, ponds, trails, etc.

There was no one else who wished to speak.

IV. PRESENTATION

INTRODUCTION OF THE NEW WEST JORDAN CHAMBER OF COMMERCE PRESIDENT

Suzanne Oliver, Chair of West Jordan Chamber Board acknowledged the Board Members in attendance. She thanked the City for their support during this year's Strategic Planning. She introduced Jevine Lane, New Chamber President.

Jevine Lane, New Chamber President, gave a brief history of different jobs she held in various Chambers of Commerce. She highlighted future goals of the West Jordan Chamber of Commerce.

BUSINESS ITEM 9.E

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-226, EXPRESSING THE CITY COUNCIL SUPPORT FOR THE WEST JORDAN CHAMBER OF COMMERCE

Councilmember Southworth asked the Council to support the proposed Resolution expressing the City Council's support for the West Jordan Chamber of Commerce. He said the proposed Resolution outlined the relationship with the Chamber.

Councilmember Haaga supported the Chamber, but declared a conflict of interest, and stepped down from the dais.

MOTION: Councilmember Nichols moved to approve Resolution 14-226, expressing the City Council's support for the West Jordan Chamber of Commerce. The motion was seconded by Councilmember Hansen.

Councilmember Southworth expressed gratitude for the relationship and future with the Chamber of Commerce.

Councilmember McConnehey said he appreciated the proposed Resolution. He also wanted to express a 'Thank you' to Craig Dearing, previous Chamber President. He said he was grateful for the work, time, years, and dedication that had been spent by Craig Dearing growing and making the Chamber the success that it was. He supported the Chamber and looked forward to them building on the foundation provided by Craig Dearing.

Jeff Robinson reported that Councilmembers were allowed to recuse themselves from any matter they want.

Mayor Rolfe opposed the motion. He did not feel it was in order.

Mayor Rolfe said his company had been a paying member of the Chamber for over 11 years. He opposed the direction the Chamber had decided to take, which was contrary to his advice. He felt there were many current members leaving the Chamber due to the

changes. Over the past 11 years, he had attended hundreds of hours of meetings, with the Chamber, Government Actions, EDCC, Board meetings, Western Growth Coalition, and Legislative Round-up, and had not seen the Executive Board at many of the meetings. He said Councilmembers Nichols and Haaga had attended a few times. He said the proposed Resolution stated that we support the “forward focused strategic direction” and he did not, therefore, he opposed the Resolution.

A roll call vote was taken

Councilmember Haaga	Absent
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	No

The motion passed 5-1.

VII. CONSENT ITEMS

- 7.a Approve the minutes of November 5, 2014, and November 13, 2014 as presented**
- 7.b Approve Resolution 14-218, setting the 2015 Annual Meeting Schedule for the City Council, Planning and Zoning Commission and other City Boards and Committees**
- 7.c Approve Resolution 14-219, declaring items from various City Departments that are no longer of any value or use as surplus property, and authorize the disposition**
- 7.d Approve Resolution 14-220, authorizing the Mayor to execute a Development Agreement between the City of West Jordan and Gardner Village LC, governing the development of property on the NE corner at 7800 South 1300 West**
- 7.e Approve Resolution 14-221, authorizing the Mayor to execute a Lease Purchase Agreement with Zions First National Bank, to finance Fleet Fund purchase of one bobtail truck, one 10-wheeler dump truck, and one water pipe TV van, in an amount not to exceed \$619,000.00**
- 7.f Approve Resolution 14-222, approving an Amendment to the Fleet Management Board description**

- 7.g Approve Resolution 14-223, authorizing the Mayor to execute a contract with Bowen Collins and Associates, Inc. to design the Veteran's Park Irrigation Pond, Well and Road in an amount not to exceed \$178,522**
- 7.h Approve Resolution 14-224, authorizing the Mayor to execute a Development Agreement between the City and Peterson Development, LLC, for the Creekside at the Highlands Subdivision located at 6400 West 7800 South**

The City Council pulled Consent item 7.h. to a future date.

MOTION: Councilmember Nichols moved to approve Consent Items 7.a through 7.g. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

VIII. PUBLIC HEARING

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 14-36, REGARDING A GENERAL PLAN LAND USE MAP AMENDMENT FOR APPROXIMATELY 2.20 ACRES FROM NEIGHBORHOOD COMMERCIAL TO VERY HIGH DENSITY RESIDENTIAL AND REZONE FROM SC-2 (COMMUNITY SHOPPING CENTER) ZONE TO R-3-12 (SHO) (MULTI-FAMILY RESIDENTIAL 12 UNITS PER ACRE MAXIMUM DENSITY – SENIOR HOUSING OVERLAY) FOR SUN RIDGE ASSISTED LIVING LOCATED AT APPROXIMATELY 7037 SOUTH 4800 WEST; SUNSET VILLAGE LLC/CERRITO DEVELOPMENT LLC/ANDREW MCKAY, MERVYN ARNOLD, APPLICANT

Tom Burdett said the subject property was located at 7037 South 4800 West. It contained 2.22-acres within a SC-2 (Community Shopping Center) zoning district. The Future Land Use designation was currently Neighborhood Commercial and had been since 1994. The subject property had been zoned SC-2, where previously the subject property and all surrounding properties in the immediate area were zoned A-20 (Agricultural – minimum

20-acre lots). The parcel was also within the Conical Zone (Ac-zone) of the Airport Overlay Zone. Residential uses were permitted in this overlay.

The subject land/parcel was currently underutilized, vacant, and was not a part of a platted subdivision. If approved, the property would be a part of the Senior Housing Overlay District (SHO); an Ordinance enacted into City Code in 2011.

Tom Burdett turned the time over to Nannette Larsen.

Nannette Larsen provided the following information:

GENERAL INFORMATION & ANALYSIS:

She said the applicant was proposing to amend both the Future Land Use Map and the Zoning Map to later petition for Site Plan approval to allow for the construction of a new Assisted Living Facility. The Future Land Use Map (from Neighborhood Commercial to Very High Density Residential) and Zoning Map (from SC-2 to R-3-12) amendments, and establishment of a Senior Housing Overlay District (SHO), would accommodate a proposed 66-unit residential living facility on the 2.22-acre site.

Sun Ridge Assisted Living would provide 24-hour assistance to residents of the facility. Housekeeping, laundry service, and three meals a day would be provided by the facility. The proposed structure on the concept plan included a square footage of 35,000 square foot building which would provide 66 livable units. Business and visitor hours for the proposed use would be between the hours of 9 a.m. to 5 p.m. During this time 13 staff members would remain on site; these hours would have the greatest number of staff, after 8 p.m. that number would drop to eight staff members to ensure assistance was being provided for. Assisted Living Centers within the R-3-12 (Multi-Family Residential) were allowed only as a Conditional Use. Subsequent to possible approval of the land use map and rezone, the Planning Commission would review and hear applications for a Preliminary Site Plan, Development Plan, and Conditional Use Permit.

The concept plan, which was included with this request, was not under review (or submitted for approval) by the City Council at this time, but its inclusion in the report allowed for further inspection of the potential land use for the subject site. The Planning Commission will review the submitted Preliminary Site Plan and Development Plan before any approval(s) may be reached on building, parking, and landscaping locations. Upon approval of a land use map amendment and rezone, staff would coordinate with the applicant to determine adequate and required parking, landscaping, and all other bulk/area for the proposed land use, all to be shown on subsequent Site Plan and Development Plan submissions.

The property's surrounding zoning and land uses were as follows:

	Future Land Use	Zoning	Existing Land Use
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	Neighborhood Commercial/ Very High Density Residential	SC-2/R-3-12	Commercial/Residential
North	Very High Density Residential	SC-2/R-3-12	Commercial/Residential
South	Very High Density Residential	R-3-12	Residential
East	High Density Residential	R-3-10	Residential
West	Low Density Residential	A-20	Church

FUTURE LAND USE MAP AMENDMENT FINDINGS OF FACT

According to City Code, Section 13-7C-6, the following shall be met in approving any amendments to the General Plan Land Use Map:

Criteria 1: *The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan.*

Discussion: The proposed General Plan Land Use amendment was being petitioned to be changed from Neighborhood Commercial to Very High Density Residential. The designation of Very High Density Residential includes the R-3-12, R-3-16, R-3-20, R-3-22, PC, and PRD zoning districts. The residential density range of the proposed zoning district designation was to be no greater than 12-dwelling units per acre, where the minimum required lot size for the district was one-acre.

The Comprehensive General Plan stated Very High Density Residential areas were best suited for areas where public transit and major transportation routes are available. Additionally, it stated higher density classifications should be located around commercial nodes such as major intersections. The subject property is located at the intersection of what was planned to be an arterial street (Cougar Lane – north of 7000 South) and collector streets (7000 South and 4800 West).

Goal 4 (pg. 30) of the Residential Land Use subsection of the Comprehensive General Plan encouraged a diversity of dwelling unit types for residential areas. This was further expanded on by Policy 4 (pg. 32) which specified that certain locations within the City should provide for age-restricted housing. The proposed amendment would provide for both of these policies by designating a new location within the City allowing for a diversity of housing types. Furthermore, Goal 2 of the General Plan encouraged the, “creation of attractive, well-designed, and maintained neighborhoods.” This was created by promoting, “compatible, aesthetically pleasing architecture and urban design in residential areas in conformance with the urban form and design guidelines included in this Plan and within West Jordan Planning Division’s *Design Guideline Manual*” (pg. 28). The concept plan of the subject site would be reviewed in detail during the Preliminary and Final Site Plan and Preliminary and Final Development Plan reviews and are subject to change. Nevertheless, in staff’s opinion the

conceptual architectural plans were compatible to the surrounding existing single-family and multiple-family developments in the immediate vicinity.

Finding: The proposed amendment conformed to and was consistent with the adopted goals, objectives, and policies set forth in the City general plan.

Criteria 2: *The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.*

Discussion: The subject property was currently designated as Neighborhood Commercial on the City's Future Land Use Map. The Neighborhood Commercial Land Use designation provides for areas within the City which serve daily convenience needs of the surrounding community. These services were intended to attend a population up to 10,000 people.

Due to the location of the subject site, where access and uses to the immediate east are limited because of the South Valley Airport, staff does not anticipate the intended commercial use expected for this site to be feasible and/or marketable. The subject site was within a community which is now located within 2 miles of a new Smith's Marketplace and several other areas with small commercial/service convenience (example; the northeast corner of 7800 South and 4800 West).

Finding: The development pattern contained on the land use plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.

Criteria 3: *The proposed amendment will be compatible with other land uses, existing or planned, in the vicinity.*

Discussion: The properties to the east and south of the subject property were both multi-family developments. To the north was a commercial building, and to the west a church. Because the uses surrounding the subject property are all more intense types of land use it was not anticipated the surrounding property owners or tenants would be adversely impacted to the proposed amendment.

Finding: The proposed amendment would be compatible with other land uses, existing or planned, in the vicinity.

Criteria 4: *The proposed amendment constitutes an overall improvement to the adopted general land use map and is not solely for the good or benefit of a particular person or entity.*

Discussion: The proposed amendment would improve the Future Land Use Map, as the changes would make the map more accurate by incorporating changes to the City's development environment. The proposed changes would not benefit any specific person but were a reaction to recent changes in the community.

Finding: The proposed amendment constitutes an overall improvement to the adopted general land use map and was not solely for the good or benefit of a particular person or entity.

Criteria 5: *The proposed amendment will not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.*

Discussion: The Engineering Department had reviewed the proposed Future Land Use Map amendment along with the submitted concept plan and had determined there were adequate public facilities in the area to facilitate an assisted living center at this location.

The Fire Department would also review the Site Plan, Development Plan, and Conditional Use at the time of submittal to ensure all public safety standards and conditions were met.

Finding: The proposed amendment would not adversely impact the neighborhood and community as a whole by significantly altering acceptable land use patterns and requiring larger and more expensive public infrastructure improvements, including, but not limited to, roads, water, wastewater and public safety facilities, than would otherwise be needed without the proposed change.

Criteria 6: **The proposed amendment is consistent with other adopted plans, codes, and ordinances.**

Discussion: The subject property was not located within any other adopted plan other than what was described within this report.

Finding: The proposed amendment was consistent with other adopted plans, codes, and ordinances.

ZONING MAP AMENDMENT FINDINGS OF FACT

According to City Code, Section 13-7D-6(A), the following shall be met in approving any amendments to the Zoning Map:

Criteria 1: *The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan.*

Discussion: The applicant was petitioning to rezone the subject property from SC-2 (Community Shopping Center) to R-3-12 (Very High Density Residential) with Senior Housing Overlay District (SHO). As previously discussed, the rezone would also include a Future Land Use Map amendment from Neighborhood Commercial to Very High Density Residential. Upon approval of this land use designation (with the explanations listed in the section and criteria described above) the proposed rezone would meet the intent of the General Plan.

Finding: The proposed amendment was consistent with the purposes, goals, objectives, and policies of the adopted general plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: The proposed rezone would not negatively affect adjoining properties or residents. The properties immediately adjacent to the subject property were also designated as High and Very High Density Residential. The submitted concept plan also displays a proposed development which should not adversely affect surrounding properties.

Finding: The proposed amendment would result in compatible land use relationships and does not adversely affect adjacent properties.

Criteria 3: *The proposed amendment furthers the public health, safety, and general welfare of the citizens of the city.*

Discussion: The proposed rezone was a reaction to recent commercial developments within the vicinity of the subject site and it was anticipated it would positively affect the area and increase the diversity of housing within the City. Assisted living facilities typically do not generate daily vehicular traffic counts when compared to traditional single-family/multi-family projects, where also, such facilities are a necessity given the increased housing needs for citizens who wish to live in this City and are over 55 years of age.

Finding: The proposed amendment furthered the public health, safety, and general welfare of the citizens of the city.

Criteria 4: *The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.*

Discussion: The Engineering Department had reviewed the proposal to rezone the subject property and determined existing public facilities in the area are adequate to serve the proposed rezone and expected use. It had also determined that there were no serviceability issues associated with these applications and further reviews would be part of the Site Plan review.

Further detailed staff reviews would occur with submittals of the Site Plan, Development Plan, and Conditional Use permit.

Finding: The proposed amendment would not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Criteria 5: *The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.*

Discussion: In addition to the proposed rezone the applicant was also requesting a map amendment to include a Senior Housing Overlay District (SHO). The purpose of this overlay was as follows:

- Establish locations for the development of appropriate living arrangements, both assisted and independent, for residents fifty five (55) years and older.
- Provide standards for development which recognizes and accommodates the varied housing and lifestyle needs and desires of seniors, including decreasing mobility, changing health, and the alternative needs of the senior person.
- Promote independence and a high quality of life to meet the physical and social needs of seniors by encouraging specialized design features, and convenient access to community and civic centers, support services, mass transit stations and stops, recreational facilities, and shopping centers.

Criteria for inclusion of this overlay zone would be reviewed during the Site Plan process.

Finding: The proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Nannette Larsen concluded by saying that the proposed amendments as being requested would be compatible with adjoining land uses and neighborhood, where no negative or adverse impacts were expected.

Staff recommended that the City Council approve the proposed ordinance to amend the Future Land Use Map from Neighborhood Commercial to Very High Density Residential High Density Residential and Rezone from SC-2 to R-3-12 (SHO) located at 7037 South 4800 West.

The Council and staff discussed clarifying questions.

Andrew McKay, applicant, agreed with staff and Planning Commission's recommendations regarding the rezone. They felt this project would help provide a need for West Jordan residents.

Scott Monson, Owner of Assistance Living Center, was passionate about Senior Care and being able to provide care for West Jordan residents. He indicated that this site would be used for a state of the art Senior Care facility.

Mayor Rolfe opened the public hearing.

Alexandra Eframo, West Jordan resident, was excited for a Senior Care Center in West Jordan. She was confused regarding the units per acre.

June Christensen, West Jordan resident, commented on the density. She questioned whether multi-family residential could be placed in this area, if a Senior Facility/Center was not placed on this property.

There was no one else who wished to speak. Mayor Rolfe closed the public hearing.

Councilmember Haaga asked if there was an assurance that this property would be used as a Senior Care/Housing Center.

Tom Burdett said the reason the Very High-density designation was recommended was because the R-3-12 zoning allowed for Assisted Living Facilities in the City's code. He said Council could direct a development agreement to be prepared in the event that the assisted living center was not implemented in the future.

Councilmember Stoker reported that there was a conceptual plan required by the Municipal Code for zone changes, and in the concept plan was a single building of 35,000 square feet. This single building would house seniors. Assurances would come from

adding the Senior Housing Overlay with the rezone, so it could never be an apartment complex.

Councilmember Southworth commented on the access of the plan.

Tom Burdett indicated that it was too early in the phases to discuss access.

Councilmember Southworth was concerned with adding additional high-density to the area, he felt the General Plan did not allow high-density in this area. He wanted to see a development agreement showing this would be a Senior Care Center/housing or a similar facility in the future.

Councilmember McConnehey shared some of the same concerns as Councilmember Southworth, but felt there was a need for additional Senior Care Center/housing development within the City.

MOTION: Councilmember Nichols moved to approve the proposed Ordinance 14-36, revising the Future Land Use Map from Neighborhood Commercial to Very High Density Residential and the Rezone from SC-2 to R-1-13 (Senior Housing Overlay) for property located at 7037 South 4800 West; and direct staff to concentrate efforts on getting the railroad finished across 7000 South. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

IX. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 14-225, AUTHORIZING EMINENT DOMAIN ACTION AGAINST WILLIAMSBURG HOLDING DEVELOPMENT COMPANY, LLC, A UTAH LIMITED LIABILITY COMPANY, TO ACQUIRE ALL OF ITS REAL PROPERTY LOCATED AT 6632 SOUTH AND 6732 SOUTH 5600 WEST, WEST JORDAN, UTAH, NECESSARY FOR THE CITY'S 5600

WEST, 6200 SOUTH TO 7000 SOUTH ROAD AND UTILITY IMPROVEMENT PROJECT

Wendell Rigby said the City of West Jordan had a City Council approved and budgeted road project on 5600 West Street, between 6200 South and 7000 South. Among other things, the project consisted of improving the City's utility system and widening the road from two lanes to five lanes. This project was a joint project between West Jordan and West Valley City, together with the Utah Department of Transportation (UDOT) oversight since much of the project had been funded through federal aid.

In order to accomplish the best and safest design for the residents who use the neighborhood, and for the general public at large, during the design phase it was discovered that the City would need to acquire all of the property owned by Williamsburg Holding Development Company, LLC (Williamsburg) within the project boundary.

On October 8, 2013, City staff commissioned an MAI certified appraisal on the Williamsburg property, which valued the property at \$520,000.00. Staff then submitted a purchase offer to Williamsburg in January 2014, offering to purchase the property for the full appraised value. Williamsburg rejected the City's offer and was willing to sign the necessary deed based on the appraised value. However, in an effort to keep the project on schedule, on April 29, 2014, Williamsburg and the City entered into a Right of Occupancy Agreement whereby Williamsburg allowed the City to permanently occupy the property in exchange for the appraised value of \$520,000.00, which was paid on May 1, 2014.

The Right of Occupancy Agreement also stated, in part,

"If a satisfactory settlement cannot be agreed upon, West Jordan will, upon notice for the Property Owner that the amount of compensation offered and/or other proposed settlement terms are not acceptable, or at its own election, proceed at once to commence and diligently prosecute a condemnation proceeding in the appropriate court for a judicial determination of such compensation."

After attempting to negotiate with the property owner for the past several months, it had become apparent that the parties were at an impasse. Therefore, City staff recommended that the City Council authorize eminent domain proceeding consistent with the intent of the parties, which was to submit this issue before the appropriate court for a judicial determination since a negotiated settlement could not be reached.

MOTION: Councilmember Southworth moved to adopt Resolution 14-225, authorizing and directing the Interim City Manager and the City Attorney, on behalf of the City:

- 1) To acquire, in the name of the City, title to the Property as set forth herein, by purchase if a reasonable final purchase price can be negotiated, or by eminent domain proceeding in accordance with Utah law.

- 2) To prepare and prosecute such proceedings in the proper court having jurisdiction thereof as is necessary for such acquisition.
- 3) To use the services of outside counsel as necessary to accomplish these directives.

The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE DIRECTION REGARDING A REQUEST FROM PETERSON DEVELOPMENT TO SUBMIT AN APPLICATION FOR THE GLADSTONE MULTI-FAMILY DEVELOPMENT

Mayor Rolfe said this item was for possible direction regarding a request from Peterson Development to submit an application for the Gladstone multi-family development.

Barrett Peterson, Peterson Development, was seeking clarity following the rezone approved in September. He provided the Council with a portion of an agreement showing that the 'Highlands' was not to be governed by the 'cap and grade.' He said they had vested rights for all of their multi-family in the 'Highlands.' This agreement was put into effect in 2012.

Letter provided by Peterson Development:

"We are discouraged to hear that City Staff has not accepted our application for Gladstone. Here are the reasons why we believe the Gladstone application should be accepted:

1) VESTED RIGHTS

The most important reason is that we have a Development Agreement with West Jordan City for The Highlands that states that we are vested in the West Side Planning Area (WSPA), even if the Council determines to not use the WSPA in other areas of the City. The City has, indeed, adopted a different zoning program and because of our Development Agreement, we are vested. This makes us different from other developers who do not have a Development Agreement but are trying to be grandfathered in before the new Cap and Grade takes effect.

2) "GREEN LIGHT" FROM THE CITY COUNCIL

We received our rezone approvals for Gladstone, and specifically the piece that we have under contract from the City Council on September 10, 2014. We believed this gave us the green light to move forward—to purchase the land from UDOT, to begin working towards application of a development plan, etc. The political will for this project appeared to be nearly unanimous, evidenced by the 6-1 vote in favor of the project. The momentum on this project will be stopped if we have to wait a number of years before being able to qualify for the Cap and Grade.

3) OUR PROPOSAL SOLVES A NUMBER OF PROBLEMS

As we discussed on the night of September 10, our proposal solves a number of problems and makes the current situation with the wash better. Currently, there is a UDOT trail next to a deep wash with a very steep bank. This is a BIG liability to the City. Our proposal would bury the wash, and create a trail that runs through a vibrant townhome community—which would make it safer for residents to use the trail—both because it would no longer be next to a dangerous wash, and because it would have townhomes surrounding the trail to help keep the area safe. We would also bury a large pipe in the ground that would handle the flows in a 100 year event to mitigate any potential flooding. We have already worked with the City Staff extensively on this plan. We also agreed to install L.E.D. lighting on the trail. In summary, our proposal helps the City in many different ways. If we are unable to move forward at this time, all of those benefits would go away.

4) ECONOMIC DEVELOPMENT

Smith's is planning on opening their grocery store on December 4. They have always planned on the rooftops from our Highlands development to help them hit their revenue projections. Now, we would basically be telling them that a good portion of these rooftops would not get built, and thus there would be fewer shoppers at their store. They need growth to continue to happen in this part of the City for their store to be viable. As the developers of the retail around Smith's, we can tell you that we are struggling a bit with our leasing activity and it is because potential tenants want to see more growth in the form of more rooftops.

Finally, if Gladstone cannot proceed forward at this point, the entire section of road in front of the project will not get built, and there will be no connection from 78th South to 82nd South on the S-shaped road that is shown on your maps. This again stifles economic development and has a trickle-down effect, in a negative way, to commercial development.

In summary, our proposal is a common sense approach to development. There aren't many other good options as far as housing along a freeway. Our proposal is the best solution of what to do with a difficult piece of land next to a deep and dangerous wash. We have partnered with a reputable home-builder in Garbett Homes and they bring curb appeal and high quality design to your community. We would urge you to vote to allow Gladstone to move forward and be developed at this time.

Sincerely,
Barrett Peterson, Manger”

Dana Mollerup, Garbett Management, provided the Council with their qualifications regarding finding residents:

- Income three-times the monthly rent
- Credit history
- Previous rental history
- Household occupancy (max two-persons per bedroom)
- No second chances (crime on or off property results in eviction)

Paxton Guymon, Attorney for Peterson Development, restated their legal position:

- Project was exempt for the Cap and Grade Ordinance
- Rights under the WSPA were vested

Scott Howell, Government Relations for Peterson Development, read the following letter from Steven M. Sorensen, Vice President Corporate Development, and Smith's Food & Drug:

“Honorable City Council Members,

I am excited today as we open our new Smith's Marketplace store in West Jordan. Please accept my sincere appreciation to you and your staff for the cooperative effort established in getting store and development off the ground. Today represents the culmination of years of planning for a store at this location. We appreciate the help of the City with the roads and roundabouts that make this site viable for commercial development and improving traffic flow for this community, as well as allowing for continued growth in the area.

As you know, we have partnered with Peterson Development in developing the Highland Shopping Center. As I have talked with them in recent weeks they have expressed some concern to me about the discussion taking place within the Council to reduce the density of the new residential development in the Highland area. You should be aware; we based our decision to open a store at this location not only on current households and population in the area, but also a critical component of that decision was projected development and potential population growth. While I am not necessarily a proponent of high-density housing and am certainly not suggesting all new development should be any specific density, I am concerned if there is, in fact, a move to decrease the density from the Master Plan we have been shown, and based our projections on. Developments like our new store and the commercial/retail area around it, needs customers to be successful.

I realize a successful community has many types of housing as well as commercial, office, industrial, etc. development. I would appeal that nothing be done to diminish the

projections that were presented to Smith's as we were evaluating this area for development.

I appreciate your consideration and again, express thanks for your help in making our project happen.

Sincerely,
Steven M. Sorensen
Vice President Corporate Development"

Scott Howell asked for clarity and the Council's sustaining vote for the right density, amount of people, for sustaining the area.

Barrett Peterson clarified for the Council that they would pipe the wash to prevent flooding.

Mayor Rolfe said this agenda item provided Peterson Development with the opportunity to provide facts. Staff would then look into the issue(s) and at a later date, staff would be provided direction and they would contact Peterson Development.

Tom Burdett indicated that staff would be reviewing documents, prior to comments being made by staff.

Councilmember Nichols said as staff reviewed this issue, he wanted clarification/interpretation regarding Sections 1.5.1 and 1.5.2 of the original Development Agreement.

DISCUSSION AND POSSIBLE ACTION REGARDING 3620 WEST

Jeff Robinson spoke on this issue. He said the staff report in the Council's agenda packet provided the following information; In years 2011 and 2012, the Utah Department of Transportation (UDOT) undertook an Innovative Intersection Construction project (the project) affecting the intersections of 6200 South, 7000 South and 7800 South. The project included a new grade separated interchange at 7800 South. As part of the new ramp configuration, UDOT purchased the home at 7813 South 3620 West and planned to close 3620 West at the point it meets 7800 South. The home at 7813 South 3620 West was removed as part of the ramp and roadway construction.

On October 26, 2011, the City Council was presented with a request to approve the vacation of 3620 West as part of the project. Staff recommended, and the City Council approved, Ordinance 11-33, conditionally vacating a portion of 3620 West Street located in the Western Hills Phase 1 Subdivision. Ordinance 11-33 stated that the 870 square feet is vacated subject to the following conditions:

- 1) Install landscaping in accordance with Zoning Ordinance Section 13-13-11B-1.

2) Modify the access intersections into Western Hills and Nobel Heights Subdivisions, as well as the 3620 West 7825 South intersection, in a manner approved by the West Jordan Engineering Department in order to improve traffic circulation on the two remaining intersections and notify drivers that a portion of 3620 West Street has been closed.

3) Bond for the improvements to the property.

4) Complete recordation of the plat to vacate 3620 West Street in Western Hills Phase 1 Subdivision prior to the closure of the street.

A vacation plat was provided to the City, but it was not recorded because UDOT failed to meet conditions 1 and 3, and consequently, the vacation could not occur under the terms of Ordinance 11-33. Without waiting for the vacation to be completed, UDOT installed a 6-foot tall privacy wall along 7800 South and running the width of 3620, effectively closing the road to vehicular traffic, so the requirement of condition 4 to record the plat prior to closure was also not met.

In addition, UDOT sold the property located at 7813 South 3620 West, the property for which landscaping and bond were required, to the adjoining property owner to the south. City staff has communicated with the new owner in an attempt to meet the conditions of Ordinance 11-33 in order to complete the vacation. While understanding and cooperative, the owner has a longer time frame to construct his proposed garden improvements, and as of the date of this Request for Council Action, conditions 1, 3 and 4 remain unmet.

Prior to UDOT's sale of the property at 7813 South 3620 West, UDOT insisted that the City could not require UDOT to meet the conditions of vacation set forth in Ordinance 11-33. The City disagreed. In an attempt to resolve the impasse (UDOT had already constructed the wall and was preparing to sell the 7813 South 3620 West property), UDOT, and City staff engaged in discussions of possible solutions. Possible solutions may have included: (1) UDOT completing the conditions to landscape and bond for improvement of 7813 South 3620 West; (2) City Council passing a new vacation ordinance eliminating conditions 1 and 3 and modifying condition 4; or (3) City Council passing a new vacation ordinance revising conditions 1, 3, and 4. City staff determined to approach City Council and seek guidance but decided to pursue a signed UDOT commitment prior to doing so. To that end, UDOT and City staff discussed entering a Memo of Understanding (MOU). A detail of the pursuit of a MOU is included in the Chronology below:

Chronology

1. On October 26, 2011, City Council approved Ordinance 11-33 which conditionally vacated a portion of 3620 West at 7800 South contingent on certain conditions.
2. In 2012, UDOT closed the road but not all conditions had been met.
3. City staff engaged in multiple meetings and communications regarding UDOT's failure to meet the conditions.

4. Ultimately, UDOT and City staff decided to pursue a memorandum of understanding ("MOU") between the City and UDOT.
5. City staff engaged in multiple communications and some meetings with UDOT regarding a MOU.
6. City staff discussed and agreed to obtain UDOT's signature on a MOU (to memorialize UDOT's commitment) and then approach City Council for approval of the MOU and a new ordinance changing the original vacation conditions of Ordinance 11-33.
7. UDOT drafted a MOU that did not accurately reflect City staff's envisioned changes to the conditions of Ordinance 11-33.
8. UDOT mailed the original of its MOU, signed by UDOT, to the City with a signature block for the City Manager's signature. This occurred while City staff was reviewing and amending an electronic version of UDOT's draft. The UDOT-signed MOU was never approved by the City or internally by City staff.
9. Rick inadvertently signed the UDOT MOU, and it was returned to UDOT.
10. Staff quickly realized the mistake.
11. City staff then engaged in communication with UDOT, explaining the mistake.
12. UDOT acknowledged the mistake, agreed to treat the MOU as null and void and informed City staff that UDOT would shred the signature page according to its own policy.
13. The City and UDOT were never able to agree on the terms of the MOU, and a subsequent MOU was never signed.
14. The plat vacating 3620 West has never been signed or recorded.

Because there was no agreement, City staff is not able to propose revised conditions of vacation (to supersede conditions 1 and 3, and modify condition 4) that would be acceptable to UDOT, and City staff is also not able to provide a MOU to support any elimination of or change to the unmet conditions.

City staff recommended that the City Council declare the inadvertently signed MOU invalid and either ratify the existing conditions of vacation found in Ordinance 11-33 or adopt a new vacation ordinance (to supersede Ordinance 11-33) with new or different conditions of vacation. The effect of ratification would be that the portion of 3620 West would be deemed not vacated (despite the existing wall), and the plat would not be recorded. In addition, it was unlikely that UDOT could meet the ratified conditions now that the property at 7813 South 3620 West was under new ownership. The effect of modifying the conditions could be similar, since UDOT no longer had ownership or control of the property. The effect of eliminating the conditions would be to remove the landscaping and bonding requirement from UDOT for 7813 South 3620 West and allow the vacation plat to be recorded. The current property owner was subject to the City Code and may be subject to code enforcement if the property was not in compliance.

Staff recommended that the City Council declare the inadvertently signed the Memorandum of Understanding to be invalid and also do one of the following: (1) direct staff to prepare, and present to City Council at a future City Council meeting, a new ordinance to eliminate conditions 1 and 3 and modify condition 4 of Ordinance 11-33; or

(2) direct staff to prepare, and present to City Council at a future City Council meeting, a new ordinance to modify conditions 1,3, and 4 of the Ordinance 11-33; or (3) ratify the conditions of vacation found in Ordinance 11-33.

Jeff Robinson clarified for the Council the two potential actions regarding this matter:

- 1) There was a Memorandum of Understanding that was inadvertently executed, and staff was seeking to make the Memorandum of Understanding invalid.

He said staff believed it was invalid because it was inadvertent and we have an understanding with UDOT that it was inadvertently executed, but staff would appreciate Council's express declaration that the document is invalid.

- 2) What to do with the plat today?
 - Should staff record it based on the original conditions of the original ordinance, which was Ordinance 11-33.
 - Should staff eliminate some of the conditions?
 - Should staff modify some of the conditions?

He said the three conditions which were a potential problem were also listed above:

- 1) Install landscaping in accordance with Zoning Ordinance Section 13-13-11B-1.
- 2) Bond for the improvements to the property.
- 3) Complete recordation of the plat to vacate 3620 West Street in Western Hills Phase 1 Subdivision prior to the closure of the street.

None of the conditions had been met. UDOT even closed the street prior to allowing anything to be done by the City. Therefore, the plat cannot be changed without some change in the conditions either revision or elimination.

- Ratification means never recording the plat (conditions not complied with)
- Elimination of conditions means recording the plat vacating the road or revise the condition (which would be next to impossible)

Mayor Rolfe supported the invalidity of the Memorandum of Understanding, and also ratifying of Ordinance 11-33.

He said there was a section of roadway still owned by the City, and the Council could decide to remove the wall and open the roadway back up. He reminded the Council that UDOT took possession of the road without authority.

Councilmember Haaga agreed with Mayor Rolfe and wanted to see the Memorandum of Understanding declared invalid; and the City Ordinance passed in 2011, enforced.

Jeff Robinson said to enforce the Ordinance passed in 2011 it would take a lawsuit.

Councilmember Southworth asked what the Council was looking for.

Mayor Rolfe felt UDOT should:

- Landscape on one-side and at least finish up to the wall
- On the other side possibly curb, gutter, walkway, etc.
- Proper barricading

If these things were not performed, then the City should open the roadway back up for citizen's use.

Councilmember Haaga felt there was enough evidence that there could be a lawsuit against UDOT.

Councilmember Nichols did not want to burn bridges with UDOT over the landscaping of the corner of an intersection. He felt the City needed the support of UDOT in the future. He wanted to see the City improve the landscaping, and move forward nullifying the Memorandum of Understanding.

Motion: Councilmember Southworth moved to declare the inadvertently executed Memorandum of Understanding invalid. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Rolfe	Yes

The motion passed 7-0.

Motion: Councilmember Stoker moved to direct staff to prepare a new Ordinance to supersede Ordinance 11-33 and remove conditions 1 and 3 and modify condition 4. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Haaga	Yes
Councilmember Hansen	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes

Councilmember Stoker
Mayor Rolfe

Yes
Yes

The motion passed 7-0.

Jeff Robinson clarified that the modification to Condition 4 would be to record the plat after the modified Ordinance came back to the Council.

**DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A
FUNDING SOURCE FOR A SIDEWALK CONNECTION ON GARDNER
LANE ACROSS SOUTH JORDAN CANAL IN THE OKUBO
SUBDIVISION**

Wendell Rigby said on July 10, 2014, Okubo Farm Phase 1 was granted final approval for a new subdivision located at 1930 West Gardner Lane. As part of the development approval the project was required to construct a sidewalk along Gardner Lane. Upon approval, members of City Council expressed concern about a gap of missing sidewalk across the canal separating Okubo Farm and the existing subdivision to the east called Cajean Estates. Staff was asked to prepare a design and calculate a cost for the City to construct the sidewalk across the canal corridor.

He said provided in the Council's agenda packet was a concept plan for the new section of sidewalk along with a cost estimate of approximately \$8,500. Staff was prepared to construct the new section of sidewalk using either a hired contractor or City resources providing a source of funding can be determined. The project was currently not listed in any of the CIP Capital Improvement Projects or in the safe sidewalk program. Staff recommends that Council either approved expenditure from the Council Contingency fund or direct staff to add this project as a budget item in the 2015-2016 budget.

Staff recommended that the City Council determine a source of funding for this project.

Wendell Rigby asked the Council to consider adding the following topics to the Strategic Planning Session in January:

- Existing missing sidewalks
- Hazardous sidewalk
- ADA ramps

Councilmember Haaga gave a brief history of area, and reminded the Council of the safety of the children.

The Council agreed to discuss the issue of sidewalk priority throughout the City during the Strategic Planning Session in January.

X. REMARKS

There were no additional remarks.

XI. ADJOURN

MOTION: Councilmember Nichols moved to adjourn the City Council meeting and convene the Redevelopment meeting. The motion was seconded by Councilmember McConnehey passed 7-0 in favor.

The meeting adjourned at 7:59 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

KIM V ROLFE
Mayor

ATTEST:

MELANIE BRIGGS, MMC
City Clerk

Approved this 17th day of December 2014